

REMARKS

Claims 1-10 and 19-28 are pending. Claims 1-18 were originally filed. Claims 11-18 were cancelled by Preliminary Amendment filed nine months before the Examiner prepared the 2 November 2004 Office Action. Claims 19-28 are added by this Amendment.

The Examiner did not reject or object to claim 5 in the Office Action. In the absence of any rejection or objection, we understand claim 5 to be allowed.

Section 102 Rejections

The Examiner rejected claims 1-4 under 35 USC 102(e) based on Bunnell et al. (USPN 6,789,568). The Examiner rejected claims 6-10 under 35 USC 103(a) based on Bunnell in view of Kramer (USPN 4,702,274).

The Applicants traverse these rejections of claims 1-4 and 6-10 since Bunnell is not proper prior art under 35 USC 102.

The current application was filed on 18 March 2004 as a division of parent application 10/033,956, in order to prosecute claims 1-10 of the parent application. Claims 11-18 were the claims kept in and prosecuted in the parent case. For that reason, they were canceled by Preliminary Amendment when the present application was filed. The Preliminary Amendment also amended the Specification of the present application to recite the claim of priority to the parent application. The parent application was filed on 20 December 2001. **Therefore the 35 USC 102 "date of invention" of claims 1-10 in the present application is the date the parent case was filed -- no later than 20 December 2001.**

The Bunnell reference (1) was first filed as a patent application on 17 June 2003, eighteen months after the parent application was filed, and (2) was first

published as a patent on 14 September 2004, thirty-three months after the parent application was filed.

The Bunnell reference therefore cannot be used as prior art under 35 USC 102 against claims 1-4 and 6-10.

Section 103 Rejections

Claims 11-18 were rejected under 35 USC based upon Kramer. Claims 11-18 were canceled by Preliminary Amendment, which was entered by Examiner's notation. Since claims 11-18 are canceled, their status under 35 United States Code is moot. We shall not respond to any statements of rejection of claims 11-18, nor should anything herein be deemed to apply to claims 11-18.

Support for New Claims

Support for the new claims can be found at least in the claims as originally filed, FIGURE 2 and supporting text.

Respectfully submitted,

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Date: 4 April 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this fourth day of April, 2005

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